

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
JULY 12, 2010**

QUORUM:

A meeting of the Mayor and Common Council was held in the Council Chambers at City Hall, 1838 Emerald Hill Lane, Westminster, Maryland on the evening of July 12, 2010, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Albert, Chiavacci, Pecoraro, and Wack; City Administrator and Acting City Clerk Wolf, Acting City Treasurer Ehlers; Chief of Police Spaulding, Director of Planning, Zoning, and Development Beyard, Director of Public Works Glass, Director of Recreation and Parks Schroers; and City Attorney Levan were present.

Mayor Utz read a letter of he received from Kim Prehn of Unique Jewelry thanking Mr. Schroers and his staff for all their help with the Corbit's Charge Ball and Encampment. He then presented Mr. Schroers with a proclamation making July 2010 Recreation and Parks month in Westminster.

Mr. Tom Devilbiss, Carroll County's Deputy Director of Planning, and Mr. Jeff Keefer, Geographic Information Systems Analyst – Environment for the County's Department of Planning, conducted a presentation for the Mayor and Common Council regarding the National Pollutant Discharge Elimination System (NPDES) permit program. Mr. Devilbiss explained that the program is maintained through the County, but is also a joint effort with the municipalities. He stated that the permit they will be discussing is on stormwater; runoff from impervious surfaces over landscapes. He stated that within the stormwater permit there are two levels. The first level is called Phase I, which is the unincorporated area of Carroll County and it is based on population. Phase II includes the City of Westminster and other municipalities within Carroll County. Municipalities have a different type of permit called a General Permit, which means that they need to follow general guidelines, as opposed to the stricter guidelines that the County must follow. He explained that the municipalities' main goal is stay in compliance with the County and, in doing so, they will be in compliance on the Federal level. He explained that the municipal requirements under the General NPDES Permit need to be undertaken or performed on a yearly basis. Mr. Devilbiss listed the minimum control measures that each municipalities needs to perform each year:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post Construction Stormwater Management
- Pollution Prevention and Good Housekeeping

Mr. Devilbiss stated that there is a formal Municipal/County Agreement in place that

dictates what the County will do for the municipality and that the municipality will provide the County with information. He noted that the permit is linked back to the federal Clean Water Act and it carries very stiff penalties and fines for noncompliance. Mr. Keefer, who is in charge of the NPDES permit, explained to the Mayor and Council the County's role in making sure they and the municipalities are in compliance.

Mr. Glass discussed TMDL and Stormwater Regulations with the Mayor and Common Council. He informed that TMDL (total maximum daily load) is the maximum amount of a specific pollutant that can be assimilated by a stream without causing impairment or violating water quality standards. He explained that Westminster is split between two watersheds, the West Branch Patapsco, which feeds into Liberty Reservoir and Little Pipe Creek that eventually goes to the Monocacy. Mr. Glass stated that each has been assigned different TMDLs. He continued to say that wastewater treatment plant has a maximum amount of flow of approximately 6.5M gallons per day. He explained that it is all driven by the nutrient loading that goes to Little Pipe Creek, where the City discharges. He stated that a few TMDLs have already been instituted, but he is still waiting on phosphorus and fecal coliform and that the fecal coliform report was submitted to the EPA in 2009. Mr. Glass informed the Mayor and Common Council that they found, in the sample from Little Pipe Creek, that the most probably number ranged from 1,260 to 12,600 (mpn). He went further to say that they were able to use biological markers in this bacteriological assessment and were able to find that the issues are not from fecal coliform from the human body, but from domesticated farm animals and pets with pets being highest. He stated that phosphorus is expected to be submitted to the EPA in September 2010 and that the City should be fine due to the ENR project at the WWTP. Mr. Glass informed the Mayor and Common Council that the City has an impact on the West Branch Patapsco watershed, but that it is mainly from stormwater runoff. He explained that the new stormwater regulations are a continuance of the Clear Water Act and the Bay Restoration efforts and they will not only impact private developers, but the City's projects as well. These regulations ensure that there is less environmental impact by what happens in existing and future stormwater activities. He stated that the new regulations lean toward reductions in quantity. The road shoulders are wider so that stormwater has the opportunity to be incorporated into the ground instead running into a pond. He explained that the point is to minimize the amount of water captured, so that it goes into the soil. Mr. Glass continued by saying that the biggest impact is going to be the engineering challenges associated with the new regulation and the financial side.

MINUTES:

Upon motion of Mr. Chiavacci, seconded by Mrs. Albert and unanimously passed, the minutes of the meetings of June 14, 2010 were approved.

CONSENT CALENDAR:

Dr. Wack moved to approve the Consent Calendar, which consisted of the approval of the May Departmental Operating Reports. Mr. Pecoraro seconded the motion and it passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz reported that he recently attended the annual MML convention where he was able to network a great deal with other leaders and was nominated and elected to the Board of Directors. He also stated that he attended the Corbit's Charge ceremony and the event was very nicely done and well-attended.

REPORTS FROM STANDING COMMITTEES:

Mr. Chiavacci reported that he and Chief Spaulding recently spoke to a group of children from Higher Learning, Inc. regarding the City of Westminster. He stated that it was an honor to see how interested they were in how the City runs. Mr. Chiavacci then questioned whether or not there was a way to get more involved in the upcoming training camp for the Baltimore Ravens.

Mayor Utz stated that he and Ms. Wolf recently met with Ethan Seidel to express those concerns. He stated that the County's Department of Tourism contacted the City for assistance in staffing their booth at the training camp.

President Halstad reported that two articles and an editorial recently ran in the Carroll County Times suggesting that the City of Westminster violated the Public Information Act and stonewalled the newspaper for certain information. He continued to say that the City maintains that those statements could not be further from the truth. He explained that the City Attorney was asked to draft a response since this is a legalistic issue when the City is accused of violating the law and is not taken lightly. President Halstad read the following excerpt from the letter:

"Times reporter, Marc Shapiro, who requested the material in question, has made a series of requests under the Public Information Act (PIA) in the last three months, prior to the most recent request for general ledger documents. The City responded in a timely fashion to each of the prior requests and communicated with Mr. Shapiro on several occasions in order to ensure that the City's response was timely and proper. In fact, when it appeared that complying with the requests would be inordinately expensive for the newspaper, I offered to assist Mr. Shapiro in narrowing or reframing his requests so that there would be less of a financial burden for the Times. Mr. Shapiro declined to pursue that course of action. Mr. Shapiro therefore has actual knowledge that the City does not stonewall PIA requests from the newspaper (or from anyone else, for that matter)."

President Halstad stated that he only read that portion because there is no guarantee that the City's response will make it into the newspaper since they control the content. He explained that in all fairness, the City Attorney was rather thorough, with an 850 word response and the *Carroll County Times* has a 400 word limit. He made it clear that from the City's end, the information was provided and the newspaper had it on the day they ran the article.

Mayor Utz requested that the letter be posted on the City's website, so that if it does not make it into the newspaper, at least the citizens know what the City's responses were.

ORDINANCES AND RESOLUTIONS:

Mr. Beyard summarized that the introduction and adoption of Resolution No. 10-4 would nominate the Union Crossing project as a "Smart Site" for participation in the Maryland Smart Sites Initiative. He explained that the Smart Site Initiative is an effort of the Maryland Department of Housing and Community Development to recognize projects where local governments have made it easier for these types of projects to happen. Mr. Beyard recommended that the Mayor and Common Council introduce and adopt Resolution No. 10-4 to nominate the Union Crossing project as a "Smart Site." Dr. Wack motioned to approve the recommendation. Mr. Chiavacci seconded, and the motion passed unanimously.

Ms. Wolf summarized that the adoption of Resolution No. 10-5 would amend the Deferred Compensation Plan for the purpose of permitting participants to obtain loans from their deferred compensation plan accounts under certain circumstances. She explained that the City has no administration responsibility in loans to participants. She stated that the minimum amount of a loan is \$1000.00 and the maximum amount of any loan permitted is the lesser of 50% of the participant's vested account balance or \$50K. She continued by saying that the interest rate for any loan will be established by Nationwide Retirement Solutions and that the participant will pay interest to themselves as payments are made back to the deferred compensation account. She stated that all loans must be repaid within five years. Ms. Wolf recommended that the Mayor and Common Council introduce and adopt Resolution No. 10-5. Mr. Chiavacci motioned to approve the recommendation. Dr. Wack seconded, and the motion passed unanimously.

Mr. Glass explained that the introduction of Ordinance 813 would amend Chapter 136, "Stormwater Management" of the Code of the City of Westminster to conform to state laws and regulations. He recommended that the Mayor and Common Council introduce Ordinance 813. Mr. Pecoraro motioned to approve the recommendation. Mrs. Albert seconded, and the motion passed unanimously.

NEW BUSINESS:

Mrs. Albert motioned pursuant to Section 10-508-A-7 of the State Government Article of the Annotated Code of Maryland to conduct a closed meeting at the conclusion of the

current meeting. Dr. Wack seconded, and the motion passed unanimously.

DEPARTMENT REPORTS:

Ms. Wolf reported that she recently met with FEMA. She explained that they revised the floodplain maps and the City has a very limited time to get this map up on the City's GIS, notify each property owner that the area has changed and that they might be affected by this, and to adopt the map and ordinance. She stated that the City does not have too many residential properties that will be affected by the changes. Ms. Wolf also reported that the City has implemented the Client Service Request system. She explained that she is pleased with the new system and that it is working well, with very few glitches.

President and C.E.O. of the Westminster Fire and Hose Company No. 1 Bob Cumberland reported that for the month of June, they received 108 fire calls, 47 within the City, 14 overlapping incidents, and an estimated total fire loss of \$401K. He stated that their busiest area was the "3-1 box," which is the center of downtown. He explained that the year-to-date totals for 2010 are higher than 2009 with 27 more fire calls. He stated that they have received 399 EMS calls to bring the 2010 total to 2,414. Mr. Cumberland also reported that due to OSHA requirements, they now have an Infectious Disease Control consultant on staff. Finally, he stated that they currently have open positions and will be interviewing for in-house promotions.

Mr. Glass reported that the Water Treatment Plant recently experienced an equipment failure that caused discolored water. He explained that the color is iron and/or manganese that is incompletely oxidized. He stated that if it is fully oxidized, the water is clear, but it is the same that is in the water under normal circumstances and is 100% safe to consume. He continued to say that a notice was placed on the City's website with a direct line to the Water Treatment Plant should citizens require further explanation. He stated that their procedures have been modified in conjunction with some proposed engineering enhancements to catch this, should it happen again. Finally, he reported that the City has not met its own drought triggers, but they are currently under conservation measures.

Mr. Schroers reported that the Month of Sunday's concert series has been very successful and well-attended. He stated that the Central Maryland Swim League is in full swing. He reported that the Westminster Stingrays (2-1) won their recent meet against St. Andrews, which was a great accomplishment since St. Andrews has 170 swimmers compared to the Stingray's 98. Mr. Schroers reported that at the recent MML convention, the City of Westminster was recognized as a Banner City and Jennifer Mellor was named MML Employee of the Year. He stated that the recent Corbit's Charge event went very well and he thanked the Street and Police departments for their assistance. He also recognized Dr. Wack as one of the original people who started the Corbit's Charge events. Finally, he reported that the kids from the summer day camp will be able to visit the Raven's training camp and get autographs.

Mr. Ehlers reported that the new auditors, McGladrey & Pullen, will be onsite on July 19th to meet with staff.

Chief Spaulding announced on the evening of Tuesday, August 3rd, Westminster will be celebrating the 27th annual National Night Out.

Mr. Beyard reported that the Comprehensive Zoning application was filed the prior week. He stated that the Westminster Planning and Zoning Commission will hold a public hearing on August 12th to receive comments and recommendations on the proposed Comprehensive Zoning Map Amendment of 2010, and then on October 11th, the Mayor and Common Council will hold its public hearing. Mr. Beyard also reported on year-end statistics. He stated that they issued 58 sign permits last fiscal year. He explained that under the new fee structure, the City generated approximately \$3,550, whereas under the old structure only \$580 would have been collected. Mr. Beyard reported that in fiscal year 2010, approximately 551 separate code violations were investigated. He further explained that 85% were resolved with a letter and the citizen then complying without any court or legal action. He stated that the most common violations cited were for high weeds and grass, garbage, and abandoned vehicles. Mr. Beyard concluded by reminding the Mayor and Common Council of the Community Legacy grant that the City received. He informed them that the first residential façade is in the works. He explained that this grant is a great opportunity for residents and businesses to make improvements to their façades that they otherwise would not be able to afford. He explained that if they are willing to put up their own money, then the City, with the help of this grant, will match their contribution.

CITIZEN COMMENTS:

Bill Schroeder, owner of Giulianova Groceria & Italian Deli at 11 East Main Street informed the Mayor and Common Council that despite what people think, the Raven's training camp at McDaniel College does not bring more people to the downtown businesses. He stated that a majority of the camp spectators will travel through the Route 140 corridor to the college and will patronize the business along the way. He explained that 75% of his business stays in the community. Mr. Schroeder made suggestions on how the training camp traffic can be diverted to Main Street. He proposed that the City, in conjunction with Carroll Area Transit Service, offer a free or cheap shuttle service from downtown parking lots to the college. He understands that there may be issues, but he questioned the possibility of opening the parking garages and allowing free parking. He explained that his slowest time of the year coincides with the Raven's training camp. He stated that he knows that other businesses downtown would be on board for any suggestions. Mr. Schroeder feels that once the people are at the training camp, they are not going to come downtown and the key is to get them on the way there.

Josie Velasquez-Jeznach of 450 East Green Street suggested to the Mayor and Common Council that downtown business owners get together and hire someone to stand out on Route 140 with signs, directing training camp visitors down to Main Street.

She also suggested getting the Carroll County Chamber of Commerce involved in helping out the downtown business with getting more traffic during the training camp.

Lyndi McNulty of 195 West Main Street reported to the Mayor and Common Council that Birdie's Café will be opening at 233 East Main Street, which was previously occupied by The Pour House. She stated that the café will provide baked goods, coffee, and free wi-fi service.

Nicholas Wagman of 153 East Green Street suggested that the City contact Baltimore City regarding any banners and signs that they are not currently using. He proposed that different downtown businesses offer their locations to host the Raven's talk to the radio stations that attend the camp. Mr. Wagman also recommended that the City hold a large-scale tailgate event in the downtown area. Finally, he suggested that purple, temporary signs be placed throughout Westminster to direct traffic downtown.

Mr. Frank Stojinski, 43 Liberty Street property owner, stated that he was in attendance to request an appeal regarding his water/sewer bill property on Liberty Street. Mr. Stojinski he has had an ongoing dispute with the City for the past couple of months. He stated that his bill was drastically higher than usual considering he only had one tenant at that locate for the month in question. Mr. Pecoraro informed Mr. Stojinski that Mr. Glass will prepare a report regarding the situation, and that, as well as his concerns, will be forwarded to the Public Works Committee for further review.

ADJOURN:

Council President Halstad adjourned the meeting at 9:09 PM.

Respectfully Submitted,

Elizabeth L. Fahey